IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Pascale Adolphine De Meuter et Art Unit : Unknown

al Examiner : Unknown Serial No. : 10/550,073 Conf. No. : 2162

Filed: September 21, 2005

Title : DIRECT COMPRESSIBLE TREHALOSE SOLIDS

Mail Stop PCT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

In response to the Decision on Response to Notification of Defective Response mailed January 4, 2007 (copy enclosed), Applicants herewith submit a Declaration in which the changes made by the first-named inventor have been initialed and dated. Therefore, Applicants submit that the attached Declaration complies with the requirements of 37 C.F.R. §1.497(a) and (b).

It is believed that this submission perfects the application and that no additional papers are required.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted.

M. Angela Parsons, Ph.D. Reg. No. 44.282

Fish & Richardson P.C. 60 South Sixth Street, Suite 3300

Minneapolis, MN 55402 Telephone: (612) 335-5070

Date: February 5

Facsimile: (612) 288-9696

60408580.doc

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

0.4 JAN 2007

FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS MN 55440-1022

In re Application of De MEUTER et al. Application No.: 10/550,073 PCT No.: PCT/EP04/02983

Int. Filing: 22 March 2004 Priority Date: 21 March 2003 Attorney Docket No.: 19790-002US1

For: DIRECT COMPRESSIBLE TREHALOSE

SOLIDS

DECISION ON

RESPONSE TO

NOTIFICATION OF

DEFECTIVE RESPONSE

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371 and applicant's submission entitled "Response to Notification of Defective Response" Under 35 U.S.C. 371 in the U.S. Designated Elected Office (DO/US) filed on 26 October 2006 in the United States Patent and Trademark Office (USPTO). Applicant's request for a three month extension of time is granted.

BACKGROUND

On 26 May 2006, a Notification of Missing Requirements was mailed to applicants indicating that, *inter alia*, an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and 37 CFR 81.60 or 1.68, was required.

On 24 July 2006, a Response to the Notification of Missing Requirements was filed in the USPTO accompanied by an executed declaration.

On 05 September 2006, a Notification of Defective Response was mailed indicating that the current declaration had an alteration made to the first inventor's name which was not legible. Applicant was asked to clarify the alteration.

On 26 October 2006, in an attempt to clarify the declaration, counsel, on behalf of applicant, submitted a statement indicating that "the inventor added her middle name, "Fimiliene."

DISCUSSION

A review of the declaration reveals that the declaration executed by inventor De Meuter has been altered. The USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly

subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

The changes made in the declaration executed by inventor De Meuter were not dated and initialed or signed. Therefore, a new acceptable oath or declaration executed by Pascale Adolphine Emilienne De Meuter, in compliance with 37 CFR 1.497(a) and (b), is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

A new acceptable oath or declaration executed by Pascale Adolphine Emilienne De Meuter, in compliance with 37 CFR 1.497(a) and (b), is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification. There is no time remaining to respond to the Notification of Missing Requirements. The time period for response set forth in the Notification of Missing Requirements has expired. Therefore, no extensions of time limit are available under 37 CFR 1.136.

This application will be held in the PCT Legal Office, Office of PCT Legal Administration to await applicant's further reply, that is, a newly executed oath or declaration by inventor De Meuter, in compliance with 37 CFR 1.497(a) and (b).

Cynthia M. Kratz

Attorney Advisor PCT Legal Office

Office of PCT Legal Administration

Telephone: (571) 272-3286 Facsimile: (571) 273-0459